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ANTHONY MALOCO

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **SAN FRANCISCO / OAKLAND DIVISION**

11
12 ANTHONY MALOCO,

Case No.: C 13-00238 NC

13 Plaintiff,

**NOTICE OF CONDITIONAL
SETTLEMENT OF ENTIRE CASE AND
STIPULATED REQUEST FOR ORDER
FOR RELIEF**

14 v.

15 PROMETRIC, INC., a Delaware Corporation;
16 FRANK BOYLE, an individual; and DOES 1-50,
17 inclusive,

18 Defendants.
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The Parties to the captioned-action have reached a Settlement Agreement that resolves all disputes between Plaintiff Anthony Maloco ("Plaintiff") and Defendants Prometric, Inc. and Frank Boyle ("Defendants"). The terms of the Settlement Agreement shall be performed within the next thirty five (35) days. Therefore, the Parties respectfully request that the Court enter a conditional dismissal of this action without prejudice and order Plaintiff to file a dismissal with prejudice immediately upon performance of the terms of the Settlement Agreement.

The Parties also respectfully request that, under the circumstances, the Court relieve them from filing motions in limine and any other required filings, and to vacate the pre-trial conference set for February 12, 2014 and the trial date set for February 24, 2014, to relieve the Court of any burden related to this case while the Parties complete the terms of the Settlement Agreement as identified herein.

SO STIPULATED:

DATED: February 7, 2014

THE DOLAN LAW FIRM

By: /s/
CHRISTOPHER B. DOLAN
MICHAEL J. DEPAUL
Attorneys for Plaintiff

DATED: February 7, 2014

ALLEN MATKINS

By: /s/
MIKE BETZ
ALEXANDER NESTOR
Attorney for Defendants

ORDER

Based on Stipulation of the Parties, the Court orders as follows:

1. The Parties are relieved from filing motions in limine and any other required filings;
2. The Court vacates the pre-trial conference set for February 12, 2014 and the trial date set for February 24, 2014;
3. Plaintiff shall file a dismissal of the entire action with prejudice immediately upon performance of the terms of the Settlement Agreement.

This action and all claims asserted herein are dismissed without prejudice. In the event that the terms of the settlement are not performed, any party may move to reopen the case and the trial will be rescheduled, provided that such motion is filed within 45 days of this order.

IT IS SO ORDERED.

DATED: February 7, 2014

